Reg. No. KL/TV(N)/1

Government of Kerala
1983



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 17th June 1983 / 27th Jyaistha 1905 [No. 626

GOVERNMENT OF KERALA

Revenue (F) Department

NOTIFICATION

G. O. (P) No. 652/83/RD. *Dated, Trivandrum, 9th June, 1983.*

Government are pleased to order that with effect from 1st July, 1983 the following Taluks and Revenue Divisions will come into existence in the Pathanamthitta District.

Name of Taluk	*Headquarters*	*Villages in the Taluk*
(i) Kozhencherry	Pathanamthitta	1. Pathanamthitta
		2. Naranganam
		3. Mallapuzhassery
		4. Elánthoor
		5. Chenneerkara
		6. Omalloor
		7. Malayalapuzha
		8. Thannethode
		9. Konnithazham

Name of Taluk	*Headquarters*	*Villages in the Taluk*
Kozhencherry	Pathanamthitta	10. Iravan 11. Konni 12. Pramadam 13. Vallikode 14. Aranmula 15. Kidangannoor 16. Mezhuveli 17. Kulanada
(ii) Ranni	Ranni	1. Angadi 2. Pazhavangadi 3. Chethakkal 4. Perunad 5. Vadasserikara 6. Chittar Seethathode 7. Ranni 8. Cherukole 9. Ayroor
(iii) Adoor	Adoor	1. Koodal 2. Enadimangalam 3. Kodumon 4. Angadickal 5. Adoor 6. Ezhamkulam 7. Erath 8. Peringanadu 9. Kadambanadu 10. Pandalam Thekkekara 11. Thonnallur
(iv) Thiruvalla	Thiruvalla	1. Kizhakkumbhagam 2. Kadapra 3. Nedumpuram 4. Peringara 5. Thiruvalla 6. Kavumbhagam 7. Eraviperoor 8. Thottapuzhassery 9. Koipuram

Name of Taluk	*Headquarters*	*Villages in the Taluk*
(v) Mallappally	Mallappally	1. Kalloopara 2. Mallappally 3. Anikad 4. Kottangal 5. Perumpetty 6. Ezhumattur 7. Kaviyoor 8. Puramattom

There will be two Revenue Divisions in the Pathanamthitta District.

Name of Division	*Headquarters*	*Taluks in the Division*
(i) Adoor	Adoor	1. Kozhencherry 2. Adoor
(ii) Thiruvalla	Thiruvalla	1. Thiruvalla 2. Mallappally 3. Ranni

There will be a separate taluk formed out of the residual portions of the present Kunnathur Taluk with the following villages:—

1. West Kallada
2. Sasthamcottah
3. Sooranadu South
4. Sooranadu North
5. Poruvazhi
6. Kunnathur
7. Pallickal

and two villages of Thevalakara and Mynagappally of Karunagappally Taluk with headquarters at Sasthamcottah. This taluk will be known as Kunnathur Taluk and will form part of the existing Quilon Revenue Division in Quilon District.

The residual portions of the existing Adoor Revenue Division remaining in the Quilon District will be attached to the Quilon Revenue Division at present.

The area known as North Pambavalley and the area around the Sabarimala Sannidhanam in Mlappara Village of Peermade Taluk, Idukki District will be added to the Ranni Village.

With effect from 1-7-1983 the offices in Quilon, Alleppey and Idukki Districts will cease to exercise control over their jurisdiction hitherto existed, in the areas forming the Pathanamthitta District as notified by the Government in the G.O. (P) No. 1026/82/RD dated 29th October, 1982.

By order of the Governor,

U. MAHABALA RAU,
Special Secretary to Government.

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Government of Kerala
1983

Reg. No. KL/TV(N)/23



KERALA GAZETTE

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കേരള സർക്കാർ

ധനകാര്യ (എസ്ററാബ്ളീഷ്മെൻറ്-സി) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 22656/എസ്ററാ. സി15/83/ഫിൻ. തിരുവനന്തപുരം,
തീയതി 1983 ജൂൺ 15.

1. പത്തനംതിട്ട താലൂക്കിൽ കോന്നി കേന്ദ്രമാക്കി ഈ വിജ്ഞാപനം ഗവൺമെൻറ് ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തി പതിനഞ്ചുദിവസത്തിനുശേഷം സർക്കാർ നിശ്ചയിക്കുന്ന തീയതി മുതൽ പുതിയ ഒരു സബ് ട്രഷറി പ്രവർത്തിച്ചു തുടങ്ങുന്നതാണ്.

2. താഴെ പറയുന്ന പഞ്ചായത്തുകൾ ഈ ട്രഷറിയുടെ അധികാര പരിധിയിൽ വരുന്നതാണ്.

(1) കോന്നി
(2) അരുവാപ്പുലം
(3) തണ്ണിത്തോട്
(4) പ്രമാടം

പെൻഷൻ, സേവിംഗ്സ് ബാങ്ക് മുതലായ എല്ലാവിധ പണമിടപാടുകളും ഈ ട്രഷറി കൗണ്ടർ മുഖേന നടത്തുന്നതാണ്.

33/2286/83/V.

3. കോന്നി സബ് ട്രഷറി തുറന്നു പ്രവർത്തിക്കുന്ന തീയതി മുതൽ രണ്ടാം ഖണ്ഡികയിൽ പ്രതിപാദിക്കുന്ന പഞ്ചായത്തു അതിർത്തികളിലെ പണമിടപാടുകൾ പ്രസ്തുത ട്രഷറി മുഖേന നടത്തുന്നതാണ്. മുദ്രപ്പത്രങ്ങൾ, സ്റ്റാമ്പുകൾ, കറുപ്പ്, ഗഞ്ചാവ് മുതലായവയും വില്പനയ്ക്കുള്ള ഫാറങ്ങളും ഈ ട്രഷറിയിൽനിന്നും വിതരണം ചെയ്യുന്നതാണ്. കൂടാതെ കേരള ട്രഷറി കോഡ് ഒന്നാം വാല്യം 157-ം 158-ം ചട്ടങ്ങൾ അനുസരിച്ച് ഡിപ്പാർട്ടുമെന്റ് കാഷ് ചെസ്റ്റും മററു വിലപിടിപ്പുള്ള സാധനങ്ങളും പുതിയ സബ് ട്രഷറിയിൽ സൂക്ഷിക്കുവാൻ സ്വീകരിക്കുന്നതാണ്. മേൽ വിവരിച്ച പ്രദേശാതിർത്തിക്കുള്ളിൽ സർക്കാരിൽനിന്നും ലഭിക്കുവാനുള്ള പണം ബന്ധപ്പെട്ട മേലധികാരികളുടെ പ്രത്യേക അനുമതികൂടാതെ, കോന്നി സബ് ട്രഷറിയിൽ നിന്നല്ലാതെ മറെറാരു ട്രഷറിയിൽനിന്നും നൽകുന്നതല്ല.

4. ഈ മേഖലയിലെ പേഴ്സണൽ ഡെപ്പോസിററ്, ലോക്കൽഫണ്ട് ഡെപ്പോസിററ്, ജുഡീഷ്യൽ ഡെപ്പോസിററ് മുതലായ അക്കൗണ്ടുകൾ അതാതു അഡ്മിനിസ്ട്രേററർമാർക്ക് ഇപ്പോൾ ഇടപാട് നടത്തുന്ന ട്രഷറികളുമായി തുടർന്നുനടത്താവുന്നതും അക്കൗണ്ടന്റ് ജനറലിന്റെ അനുമതി ലഭിക്കുന്ന മുറയ്ക്ക് കോന്നി സബ് ട്രഷറിയിലേക്ക് മാററാവുന്നതുമാണ്. അതുപോലെ തന്നെ വ്യക്തികളുടെയും സ്ഥാപനങ്ങളുടെയും മററും പേരിലുള്ള ട്രഷറി സേവിംഗ്സ് ബാങ്ക് നിക്ഷേപങ്ങൾ അവരവരുടെ താൽപ്പര്യാനുസരണം കോന്നി സബ് ട്രഷറിയിലേക്കു നിയമാനുസരണം മാററുന്നതുവരെ ഇപ്പോൾ ഇടപാടുകൾ നടന്നുവരുന്ന ട്രഷറികൾ മുഖേനതന്നെ തുടർന്ന് നടത്താവുന്നതാണ്. ഈ പ്രദേശങ്ങളിലെ മണിയോർഡർ ഒഴിച്ചുള്ള പെൻഷൻ വിതരണവും കോന്നി സബ് ട്രഷറിയിലേക്ക് നിയമാനുസരണം മാററുന്നതുവരെ പഴയതുപോലെ തുടരുന്നതാണ്. എന്നാൽ മണിയോർഡർ പെൻഷൻ കോന്നി സബ്ട്രഷറി തുറന്നു പ്രവർത്തിക്കുന്ന തീയതിമുതൽതന്നെ അവിടേക്ക് മാററുന്നതാണ്.

5. കോന്നി സബ് ട്രഷറിയുടെ അധികാര പരിധിയിൽപെടാത്ത സ്ഥാപനങ്ങൾക്ക് ഈ ട്രഷറിയുമായി ഇടപാട് നടത്തണമെന്നുണ്ടെങ്കിൽ അതിനു സർക്കാരിൽനിന്നോ സർക്കാർ അധികാരപ്പെടുത്തിയിട്ടുള്ള ഉദ്യോഗസ്ഥൻമാരിൽ നിന്നോ പ്രത്യേക അനുമതി വാങ്ങിയിരിക്കേണ്ടതാണ്.

ഗവർണ്ണറുടെ ആജ്ഞാനുസരണം,
ഡി. ബാബുപോൾ,
ധനകാര്യവകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി.

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TRIVANDRUM, 1983.

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Government of Kerala
1983



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Vol. XXVIII] Trivandrum, Friday, 17th June 1983 / 27th Jyaistha 1905 [No- 627

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5559/LA4/83. *Dated, Trivandrum, 17th June,* 1983.

The Kerala Public Services (Amendment) Bill, 1983 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/2274/MC.

Seventh Kerala Legislative Assembly

Bill No. 46

THE KERALA PUBLIC SERVICES (AMENDMENT) BILL, 1983

A

BILL

further to amend the Kerala Public Services Act, 1968.

Preamble.—WHEREAS it is expedient further to amend the Kerala Public Services Act, 1968, for the purpose hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Public Services (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 1st day of October, 1981.

2. *Insertion of new section* 4.—In the Kerala Public Services Act, 1968 (19 of 1968) (hereinafter referred to as the principal Act), after section 3, the following section shall be inserted, namely:—

"4. *Act and rules thereunder to apply to certain persons notwithstanding anything in the Industrial Disputes Act or any other law.*—Notwithstanding anything contained in Chapter VA or in any other provision of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or in any other law for the time being in force, or in any judgement, decree or order of any court, the appointment of any person to any public service or post in connection with the affairs of the State of Kerala and the conditions of service (including termination of service) of any person appointed to any such service or post shall be governed by the provisions of this Act and the rules made or deemed to have been made thereunder.".

3. *Repeal and saving.*—(1) The Kerala Public Services (Amendment) Ordinance, 1983 (16 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

A Full Bench of the Kerala High Gourt, in its judgement dated the 7th October, 1982, in certain Original Petitions filed by provisional or temporary employees working in Government Departments, Government Companies, Statutory Corporations and local bodies has held that the petitioners, excluding those discharging inalienable constitutional functions like administration of justice, are entitled to the benefit of protection of Chapter VA of the Industrial Disputes Act, 1947 and that their services could be terminated, except to give place to permanent hands regularly recruited by the Public Service Commission, only in accordance with the provisions of the said Act. The High Court has also observed that inspite of section 25J of the Industrial Disputes Act, 1947, it may be possible to exclude the operation of the provisions of Chapter VA of that Act by a positive provision in any new legislation.

2. According to the rules now in force in the State, temporary employees are allowed to continue in service only for a period of 180 days and cannot, in the normal course, be re-employed even if the vacancies continue to exist beyond that period. If more than one temporary employee are working in a Department or office, the persons to be discharged as per those rules are those who are appointed first.

3. The application of the Industrial Disputes Act, 1947, to Government servants will cause administrative difficulties to Government. It was therefore considered necessary to exclude persons appointed to public services and posts in connection with the affairs of the State from the operation of the Industrial Disputes Act, 1947, by amending the Kerala Public Services Act, 1968. Accordingly, the Kerala Public Services (Amendment) Ordinance, 1983 (5 of 1983), was promulgated by the Governor on the 8th day of February, 1983. A Biill to replace this Ordinance could not be introduced in, and passed by the Legislative Assembly during its last session which commenced on the 25th February, 1983 and ended on the 30th March, 1983. In order to keep alive the provisions of the said Ordinance the Kerala Public Services (Amendment) Ordinance, 1983 (16 of 1983) was promulgated by the Governor on the 6th day of April, 1983. The Bill seeks to replace Ordinance 16 of 1983 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. KARUNAKARAN.

Reg. No. KL/TV(N)/P.

Government of Kerala
1983



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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5592/LA4/83. *Dated, Trivandrum, 17th June* 1983.

The Kerala Education (Amendment) Bill, 1983 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/2279/MC.

THE KERALA EDUCATION (AMENDMENT) BILL, 1983

A

BILL

further to amend the Kerala Education Act, 1958.

Preamble.—WHEREAS it is expedient further to amend the Kerala Education Act, 1958 for the purpose hereinafter appearing.

BE it enacted in the Thirty-fourth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Education (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 13th day of October, 1982.

2. *Amendment of section* 36.—In sub-section (1) of section 36 of the Kerala Education Act, 1958 (6 of 1959) (hereinafter referred to as the principal Act), after the words "The Government may make rules", the words ",either prospectively or retrospectively," shall be inserted.

3. *Repeal and saving.*—(1) The Kerala Education (Amendment) Ordinance, 1983 (12 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The members of the staff in aided schools are governed by the same conditions of service and are granted the same emoluments as are applicable to similar categories in Government Service. While granting concessions or benefits to similar staff in Government Service there is necessity for amending the Kerala Education Rules, from time to time, for extending the benefits to

aided school staff. For amending the rules, certain procedural formalities have to be followed. This will cause unavoidable delay in carrying out the amendments to the Rules. As there is no provision in the Kerala Education Act to make rules retrospectively, the amendments to the rules can be made only prospectively and therefore the benefits granted to similar categories in Government Service can be extended to the staff in aided schools with prospective effect only. This invites criticism from the staff and management of aided schools. It was therefore considered necessary to amend section 36 of the Kerala Education Act, 1958, to empower the Government to make rules thereunder either prospectively or retrospectively.

2. As the Legislative Assembly was not in session and as the above proposal had to be given effect to immediately, the Kerala Education (Amendment) Ordinance, 1982 (3 of 1982), was promulgated by the Governor on the 11th day of October, 1982. A Bill to replace the said Ordinance by an Act of the Legislature was introduced in the last session of the Legislative Assembly which commenced on the 25th February, 1983 and ended on the 30th March, 1983 and was referred to the appropriate Subject Committee. The Subject Committee submitted its report to the Legislative Assembly. However, the Bill as reported by the Subject Committee would not be taken into consideration and passed by the Legislative Assembly. In order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 1983 (12 of 1983), was promulgated by the Governor on the 6th day of April, 1983. The Bill seeks to replace Ordinance 12 of 1983 by an Act of the Legislature.

FINANCIAL MEMORANDUM

When the Amendment Bill becomes law, Government will get power to make rules with retrospective effect. The enactment of the Amendment Bill as an Act, by itself, will not involve any expenditure from the Consolidated Fund of the State. However, some expenditure may have to be incurred when rules are made or amended with retrospective effect in exercise of the powers conferred by section 36 of the principal Act, as amended by the Amendment Act. But, the amount of such expenditure cannot be estimated at present.

T. M. JACOB

Reg. No. KL/TV(N)/



KERALA GAZETTE

EXTRAORDINARY

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Vol. XXVIII] Trivandrum, Friday, 17th June 1983 / 27th Jyaistha 1905 (Saka) [No. 633

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961 (ACT 21 OF 1962)

No. 1111/81. *6th June* 1983.

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) All persons interested in the lands are required to appear in person or by authorised agent on the date, time and place noted below and to state/put in a statement in writing, signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any, to the measurements made under section 8 of the Act.

Note:—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്ററിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21-ാം ആക്ററ്) പ്രകാരം ഒരു പൊതുകാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെൻറ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള, എല്ലാപേരും നേരിട്ടോ, അധികൃത ഏജൻറു മൂലമോ താഴെ പറയുന്ന തീയതിയിലും സമയത്തും സ്ഥലത്തും ഹാജരാകുകയും, ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങളെ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്ററ് 8-ാം വകുപ്പുപ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്നു കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജൻറുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റേറററുമെൻറ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്:—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ചചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിന്മേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്ററ് 11-ാം വകുപ്പുപ്രകാരം കളക്ടർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

ഹാജരാകേണ്ട സ്ഥലം — എറണാകുളം റെയിൽവേ പൊന്നുംവില സ്പെഷ്യൽ തഹശീൽദാർ മുമ്പാകെ.

Particulars of Lands

District—Ernakulam. Taluk—Kanayannoor.

Village—Kumbalam.

ലേലസമയം—1-7-1983, 11 a. m.

Sy. No.	*Description*	*Extent in Hectare*
93/10/1	നിലം നികത്ത്	0.0 25
93/10/2	നിലവും നിലം നികത്തും	0.0200
93/10/3	ടി	0.0460
93/11	നിലം നികത്ത്	0.0140
93/12/1	പറമ്പ്	0.0068
93/12/2	ടി	0.0310
93/13	നിലം നികത്ത്	0.0192
158/11/1	നാളതു പറമ്പ്	0.0345
158/11/2A	നിലവും നിലം നികത്തും	0.0882
158/11/2B	ടി	0.1988
158/11/2C	ടി	0.1346

Village—Kumbalam.

ലേലസമയം—5-7-1983, 11 a. m.

Sy. No.	*Description*	*Extent in Hectare*
160/4/1	നിലവും നിലം നികത്തും	0.2720
160/4/2	ടി	0.3876
160/4/3	ടി	0.0250
160/4/4	ടി	0.3399
160/2/1,3	പറമ്പ്	0.0168
160/2/2	ടി	0.0155
160/3	നിലവും നിലം നികത്തും	0.1538
169/7/1	ടി	0.2995
169/7/2	ടി	0.0380
169/8	ടി	0.0720
169/5	പറമ്പ്	0.0243
169/9	നിലവും നിലം നികത്തും	0.1120
170/1	ടി	0.1619
170/3/1	നിലം നികർത്ത്	0.0162
170/3/2	നിലവും നിലം നികത്തും	0.0809
170/3/3	ടി	0.0729
170/3/4	ടി	0.0625
170/3/5	ടി	0.0550
170/3/6	ടി	0.0767
170/3/7	ടി	0.0638
171/4	ടി	0.1140
173/3	ടി	0.1500
173/4	ടി	0.1310

ലേലസമയം—6-7-1983, 11 a. m.

268/7/1	നിലവും നിലം നികത്തും	0.0418
268/7/2	ടി	0.1482
268/9/1	ടി	0.0380
268/9/2	ടി	0.1210
268/9/3	നാളതു പറമ്പ്	0.0070
268/10/1	നിലവും നിലം നികത്തും	0.0212
268/10/2	നാളതു പറമ്പ്	0.0011
268/10/3	നിലവും നിലം നികത്തും	0.0238
268/10/4	ടി	0.0359
268/4	പറമ്പ്	0.0324
268/11/1	ടി	0.0385
268/11/2	ടി	0.0010
270/2/1	ടി	0.0874
270/2/2	ടി	0.0351

Sy. No.	*Description*	*Extent in Hectare*
271/5/1	നിലവും നിലം നികത്തും	0.0405
271/5/2	ടി	0.1558
271/5/3	ടി	0.2257
271/5/4	നാളതു പറമ്പ്	0.0350
66/5	നിലവും നിലം നികത്തും	0.0420
		4.4683

Village—Maradu.

1350/16	നിലം നികത്ത്	0.0490
1350/17	ടി	0.0030
1350/18	പറമ്പ്	0.0050
1350/19	ടി	0.0033
1350/13	ടി	0.0028
1351/6	ടി	0.0170
		0.0801

(Sd.)
Special Tahsildar (L. A.),
Railways, Ernakulam Junction.

Ernakulam.

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TRIVANDRUM, 1983.

Reg. No. KL/TV(N)/12

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 17th June 1983 / 27th Jyaistha 1905 [No. 628

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5560/LA4A/83. *Dated, Trivandrum, 17th June* 1983.

The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 1983 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

THE LEGISLATIVE ASSEMBLY (REMOVAL OF DISQUALIFICATIONS) AMENDMENT BILL, 1983

A

BILL

further to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951.

Preamble.—WHEREAS it is expedient further to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951, for the purpose hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Legislative Assembly (Removal of Disqualifications) Amendment Act, 1983.

(2) It shall be deemed to have come into force on the 9th day of May, 1983.

2. *Amendment of section* 2.—In section 2 of the Legislative Assembly (Removal of Disqualifications) Act, 1951 (XV of 1951) (hereinafter referred to as the principal Act), in clause (ii) of sub-section (2), after the words "the Chairman", the words "or Vice-Chairman" shall be inserted.

3. *Repeal and saving.*—(1) The Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1983 (18 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

According to sub-clause (a) of clause (1) of article 191 of the Constitution of India, a person shall be disqualified for being chosen as, and for being, a Member of the State Legislative Assembly if he holds any office of profit under the Government of India or the Government of any State, other than an

office declared by the Legislature of the State by law not to disqualify its holder. The Legislative Assembly (Removal of Disqualifications) Act, 1951, has declared certain offices as offices which will not disqualify the holders thereof for being chosen as, and for being Members of State Legislative Assembly. Clause (ii) of sub-section (2) of section 2 of that Act, which was incorporated in the Act by the Legislative Assembly (Removal of Disqualifications) Amendment Act, 1979 (4 of 1979) provides that no person shall be disqualified or deemed ever to have been disqualified for being chosen as or for being a Member of the Legislative Assembly of the State of Kerala, by reason only that he holds or has held the office of Chairman of a Corporation established or constituted by or under any Central or State Act and owned or controlled by the Government of Kerala. In the interest of the proper management and administration of statutory corporations owned or controlled by the Government of Kerala it is considered necessary to provide that the office of the Vice-Chairman of any such corporation shall not also disqualify the holder thereof from being chosen as and for being a Member of the Legislative Assembly.

2. As the Legislative Assembly was not in session, and as the above proposal had to be given effect to immediately the Legislative Assembly (Removal of Disqualifications) Amendment Ordinance, 1983 (18 of 1983) was promulgated by the Governor on the 6th day of May, 1983. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. KARUNAKARAN

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 9935/Leg. B1/83/Law. *Dated, Trivandrum, 17th June, 1983/ 27th Jyaistha, 1905*

The following Ordinance promulgated by the Governor on the 17th day of June, 1983, is hereby published for general information.

By order of the Governor,

K. VISWANATHAN NAIR,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/2285/MG.

ORDINANCE No. 21 OF 1983

THE KERALA PRESERVATION OF TREES AND REGULATION OF CULTIVATION IN HILL AREAS ORDINANCE, 1983

Promulgated by the Governor of Kerala in the Thirty-fourth Year of the Republic of India.

AN

ORDINANCE

to provide for the regulation of the cutting and destruction of trees in the State of Kerala and for the regulation of cultivation of land in the hill areas in the State.

Preamble.—WHEREAS there has been indiscriminate felling and destruction of trees in the State of Kerala resulting in considerable soil erosion and destruction and loss of the timber wealth of the State;

AND WHEREAS with a view to prevent soil erosion and destruction and loss of the timber wealth in the State and also to preserve the special characteristics of the hill areas in the State as regards landscape, vegetal cover and climate, it is necessary to regulate the felling and destruction of trees and also the cultivation of land in the hill areas in the State;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint;

Provided that different dates may be appointed for different provisions of this Ordinance and any reference in any such provision to the commencement of this Ordinance shall be construed as a reference to the coming into force of that provision.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "appellate authority" means an appellate authority appointed under sub-section (2) of section 3;

(b) "authorised officer" means an officer appointed under sub-section (1) of section 3;

(c) "cultivation" means raising of cereals, tubers or plantation crops but shall not include raising of kitchen gardens or flower gardens.

Explanation.—In this clause, "kitchen garden" means an area not exceeding five ares appurtenant to a residence and used for growing vegetables for *bonafide* consumption of the residents therein;

(d) "hill area" means—

(i) any land which has not vested in the Government by virtue of the provisions of sub-section (2) or sub-section (3) of section 3 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971);

(ii) any forest land which has been or may be assigned to any person under the Kerala Government Land Assignment Act, 1960 (30 of 1960) or under the Kerala Land Reforms Act, 1963 (1 of 1964), or under any other law;

(iii) any land used principally for the cultivation of cardamom including lands interspersed within the boundaries of the area principally cultivated with cardamom;

(iv) any land which is an enclave within a reserved forest or within any other forest area.

Explanation.—For the purposes of this clause, the expression "reserved forest" shall have the same meaning as in the Kerala Forest Act, 1961 (4 of 1962);

(e) "new cultivation" means cultivation of land which remained uncultivated for three consecutive years;

(f) "owner", in relation to any land, includes a mortgagee, lessee or other person having right to possession and enjoyment of that land;

(g) "prescribed" means prescribed by rules made under this Ordinance;

(h) "tree" means,—

(i) with reference to any land comprising a hill area, any tree; and

(ii) with reference to any other land, any of the following species of trees, namely:—

Sandalwood (Santalum album), Teak (Tectona grandis), Rosewood (Dalbergia latifolia), Irul (Xylia xylocarpa), Venthekku (Lagerstroemia lanceolata), Thempavu (Terminalia tomantosa), Mulluvenga (Bridelia retusa) Kampakam (Hopea parviflora), Venga (Pterocarpus marcupium), Chempakam (Michelia chempaca), Chadachi (Grewia tiliaefolia), Chandana vempu (Cedrela toona), Cheeni (Tetrameles nudiflora), Jathi (Myristica fragrans), Njavel (Eugenia jambolana) and Thanni (Terminalia bellerica).

3. *Authorised officers and appellate authorities.*—(1) The Government may by notification in the Gazette, appoint such officers as they think fit to be authorised officers for the purposes of this Ordinance and may assign to them, such local limits as the Government think fit.

(2) The Government may, by notification in the Gazette, appoint such officers as they think fit to be appellate authorities for the purposes of this Ordinance, and may assign them such local limits as the Government think fit.

4. *Restriction regarding cutting, etc., of trees.*—(1) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree.

(2) The permission under sub-section (1) shall not be refused if—

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen:

Provided that where permission to cut a tree is granted on the ground specified in clause (a) or clause (b), the authorised officer shall impose as a condition for the grant of such permission the effective regeneration of an equal number of the same or other suitable species of trees; or

(c) such cutting is to enable the owner of the land in which the tree stands to use the area cleared or the timber cut for the construction of a building for his own use.

(3) No person shall cut or otherwise damage, or cause to be cut or otherwise damaged, the branch of any tree:

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(4) No person shall, without the previous permission in writing of the authorised officer, destroy any plant of any tree or do any act which diminishes the value of any such plant.

(5) Nothing contained in sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) shall apply in respect of any tree or plant in any land referred to in sub-clause (ii) of clause (d) of section 2,—

(a) which has been or may be planted by the assignee of that land, other than a tree specified in sub-clause (ii) of clause (h) of the said section;

(b) the value of which has been paid by the assignee to the Government, other than a tree specified in sub-clause (ii) of the said clause (h).

(6) Nothing contained in sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) shall apply in respect of any tree or plant in the compound of any residential building in any area other than a hill area:

Provided that where such compound exceeds 0.8 hectare in extent, the provisions of this sub-section shall apply only in respect of an extent of 0.8 hectare immediately surrounding the residential building.

5. *Prohibition of cutting of trees in notified areas.*—(1) Notwithstanding anything contained in any law for the time being in force, or in any judgement, decree or order of any court, tribunal or other authority, or in any agreement or other arrangement, the Government may, with a view to preserving the tree growth in private forests or in the Cardamom Hills Reserve or in any other areas cultivated with cardamom, by notification in the Gazette, direct that no tree standing in any such area specified in the notification shall be cut, uprooted or burnt except on the ground that—

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen.

(2) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree in any area specified in the notification under sub-section (1) on any of the grounds specified therein.

Explanation.—For the purposes of this sub-section, the expression "private forest" means any land which immediately before the 10th day of May, 1971, was a private forest as defined in the Kerala Private Forests (Vesting and Assignment) Act, 1971.

6. *Prohibition of cultivation.*—(1) No person shall use or cause to be used any land comprising a hill area with a slope of more than one in three for any purpose other than the growing of trees:

Provided that if any such land was under cultivation at the commencement of this Ordinance, the authorised officer may, by order in writing, permit the continuance of the cultivation of such land with the same crops with which it was being cultivated at such commencement, subject to such conditions as he may impose including conditions relating to soil conservation measures and planting of trees thereon.

Explanation.—For the purposes of this sub-section, the term "trees" shall include any species of trees.

(2) No person shall use or cause to be used any land comprising a hill area with a slope of not more than one in three for new cultivation except with the previous permission in writing of the authorised officer who may, while granting such permission, impose such conditions as he may deem fit, including conditions relating to soil conservation measures.

(3) No person shall, after the expiry of one year from the date of the commencement of this Ordinance, use or cause to be used for cultivation any land comprising a hill area with a slope of less than one in three except with the previous permission in writing of the authorisedofficer who may, while granting such permission, impose such conditions as he may deem fit, including conditions relating to soil conservation measures.

(4) Nothing contained in sub-section (2) or sub-section (3) shall apply to any land with a slope of less than one in ten.

7. *Application for permission.*—(1) Every application for permission under section 4 or section 5 or section 6 shall be in such form and shall contain such particulars as may be prescribed and shall be made to the authorised officer.

(2) The procedure to be followed by the authorised officer in granting or refusing permission under section 4 or section 5 or section 6 shall be such as may be prescribed.

8. *Appeal.*—(1) Any person aggrieved by an order refusing to grant permission under section 4 or section 5 or section 6 may, within ninety days of the receipt of such order, prefer an appeal to the appellate authority:

Provided that the appellate authority may admit an appeal preferred after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) An appeal under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such order thereon as it thinks fit.

9. *Revision.*—(1) The Government may, either *suo motu* or on application by any person aggrieved by an order of the appellate authority under section 8, call for and examine the record of any order passed by the appellate authority for the purpose of satisfying themselves as to the legality, propriety or regularity of such order and pass such order thereon as they think fit.

(2) The Government shall not of their own motion revise any order under sub-section (1) if that order has been passed more than three months previously.

(3) An application under sub-section (1) by an aggrieved person shall be made within a period of sixty days from the date on which the order of the appellate authority was communicated to him:

Provided that the Government may admit an application made after the expiry of the said period of sixty days, if they are satisfied that the applicant had sufficient cause for not making the application within that period.

(4) An order prejudicial to a person shall not be passed under sub-section (1) unless that person has been given a reasonable opportunity of showing cause against such order.

Explanation.—An order declining to interfere shall, for the purposes of this sub-section, be deemed to be an order prejudicial to a person.

10. *Penalties.*—Whoever contravenes any of the provisions of section 4 or sub-section (2) of section 5 or section 6 or a direction contained in a notification under sub-section (1) of section 5 or any of the terms and conditions subject to which a permission has been granted under this Ordinance shall be punishable,—

(a) in the case of a first offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both; and

(b) in the case of a second or subsequent offence, with imprisonment for a term which shall not be less than one month but which may extend to six months, and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees.

11. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director",—

(i) in relation to a firm, means a partner in the firm;

(ii) in relation to a society or other association of individuals, means the person who is entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

12. *Powers of authorised officers and appellate authorities.*—Every authorised officer and appellate authority shall, for the purpose of performing his or its functions under this Ordinance, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

13. *Powers of entry and inspection.*—The authorised officer or any other officer generally or specially authorised by the Government in this behalf may, with such assistants, if any, being persons in the service of the Government, as he thinks fit, at all reasonable times enter upon any land for the purpose of ascertaining whether any of the provisions of this Ordinance or any of the terms and conditions subject to which any permission has been granted under this Ordinance has been contravened.

14. *Power to seize timber and other articles involved in commission of offence.*—(1) Where any officer of the Forest Department not below of the rank of Forester or any Police Officer not below the rank of Sub-Inspector has reason to believe that any tree has been cut in contravention of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, he may seize the timber of such tree together with all tools, ropes, chains and other articles used in the commission of such offence and all boats, vehicles and cattle used for carrying such timber.

Explanation.—The terms "boat" and "vehicle" in this section, section 15 and section 16 shall include all the articles and machinery kept in the boat or vehicle, as the case may be, whether fixed to the same or not.

(2) Every officer seizing any timber under sub-section (1) shall place on such timber a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the authorised officer.

(3) On receipt of a report under sub-section (2), the authorised officer shall,—

(a) if he is satisfied that the timber mentioned in such report is of any tree cut in contravention of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, make a report of such seizure to the Judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if he is not so satisfied, make a report of such seizure to such authority as may be prescribed.

(4) The authority to which a report is made under clause (b) of sub-section (3) shall,—

(a) if it is satisfied that the timber mentioned in such report is of any tree cut in contravention of section 4, or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, make a report of the seizure of such timber to the Judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if it is not so satisfied, order that such timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized along with it shall be retuned to the person from whom they were seized.

15. *Power to release property seized under section* 14.—The authorised officer may release any timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized under section 14 and in respect of which a report has been made to the Judicial Magistrate of the First Class under clause (a) of sub-section (3) or clause (a) of sub-section (4) of that section, on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before such Magistrate.

16. *Procedure by Magistrate.*—Upon the receipt of a report under clause (a) of sub-section (3) or clause (a) of sub-section (4) of section 14, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized along with it, according to law.

17. *Procedure as to perishable property seized under section* 14.—(1) Notwithstanding anything hereinbefore contained,—

(a) the Magistrate to whom a report is made under section 14 may direct the sale of any property seized under that section, which is subject to speedy and natural decay; and

(b) if, in the opinion of the authorised officer, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale proceeds into the nearest Government Treasury and make a report of such seizure, sale and remittance to the Magistrate referred to in the said clause, and thereupon such Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property sold under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.

18. *Saving of power to release property seized.*—Nothing hereinbefore contained shall be deemed to prevent the authorised officer from directing at any time the immediate release of any property seized under section 14 and the withdrawal of any charge made in respect of such property:

Provided that the powers under this section shall be exercised by the authorised officer only for good and sufficient reasons to be recorded in writing and with the previous approval in writing of the Chief Conservator of Forests.

19. *Institution of prosecution.*—No prosecution shall be instituted against any person without the sanction of the authorised officer.

20. *Cognizance of offences.*—No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Ordinance.

21. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Ordinance required to be settled, decided or dealt with or to be determined by any officer or authority or the Government.

22. *Indemnity.*—No suit, prosectuion or other legal proceedings shall lie against the Government or any officer or authority or any other person for anything which is in good faith done or purporting to have been done under this Ordinance or any rule or order made thereunder.

23. *Restriction regarding cutting, etc., of trees in future assignments.*—Notwithstanding anything contained in any law for the time being in force, any assignment after the commencement of this Ordinance of land belonging to the Government, under any law for the time being in force shall be subject to the condition that the assignee shall not, without the previous permissionin writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree standing on such land at the time of such assignment, and the provisions of this Ordinance shall apply in relation to such permission as if they apply in relation to a permission under section 4.

24. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the girth of trees which may be permitted to be cut;

(b) the terms and conditions subject to which permission may be granted;

(c) the procedure to be followed by the authorised officer before granting or refusing permission;

(d) the procedure to be followed by the appellate authority in the disposal of an appeal under section 8;

(e) any other matter which has to be, or may be, prescribed.

25. *Laying of notifications and rules before Legislative Assembly.*—Every notification issued under sub-section (1) of section 5 and every rule made under section 24 shall be laid, as soon as may be after it is issued or made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or rule or decides that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

26. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, as occasion may require, by order, do anything not inconsistent with such provisions, which may appear to them to be necessary for removing the difficulty.

27. *Repeal.*—The Kerala Restriction on Cutting and Destruction of Valuable Trees Act, 1974 (7 of 1974), is hereby repealed.

P. RAMACHANDRAN,
GOVERNOR.